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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/912,378	07/26/2001	Louis A. Bustamante	BLD920010028	5049

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EXAMINER

WALLERSON, MARK E

ART UNIT	PAPER NUMBER
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2626

DATE MAILED: 03/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/912,378

Applicant(s)

BUSTAMANTE ET AL.

Examiner

Mark E. Wallerson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 19 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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Part III DETAILED ACTION

Notice to Applicant(s)

1. This action is responsive to the following communications: Amendment filed on **12/19/2005**.

2. This application has been reconsidered. Claims 1-15 are pending.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takeda (U.S. 5,049,937) in view of Naka (U.S. 6,502,916).

With respect to claims 1, 3, 8, 9, 14, and 15, Takeda discloses a printer (100) capable of having plural toners (5, 6, and 7) installed in a print engine; including a developer unit containing toner (column 2, lines 50-65); a switch settable to a state indicating a type of toner in the developer unit (column 2, lines 50-65), and means for detecting the setting of the switch and thereby detecting the type of toner contained in the developer unit (column 2, lines 50-65 and column 7, lines 25-35).

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Takeda differs from claims 1, 3, 8, 9, 14, and 15 in that he does not clearly disclose a communication path connectable to a feedback link extending from the printer to a supporting data processor, and an advanced function common control unit (AFCCU) in the communication path, wherein the AFCCU or a supporting data processor prevents printing if a toner necessary for a specified printing is not detected.

Naka discloses an image recording method comprising a feedback link from the printer to a data processor (host) (figure 3), and an advanced function common control unit (which reads on control means) (40) in the communication path (figure 3), wherein the controller or a supporting data processor prevents printing if a toner necessary for a specified printing is not detected (column 8, lines 1-16). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Takeda to include a communication path connectable to a feedback link extending from the printer to a supporting data processor, and an advanced function common control unit (AFCCU) in the communication path, wherein the AFCCU or a supporting data processor prevents printing if a toner necessary for a specified printing is not detected. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Takeda by the teaching of Naka in order to avoid misprinting as disclosed by Naka in column 2, lines 8-13.

With regard to claim 2, Naka discloses an AFCCU (which reads on the controller, 40) (figure 3).

With respect to claims 4 and 10, Takeda discloses enabling and disabling the developer (column 7, lines 17-57).

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With regard to claims 5 and 11, Takeda discloses the switch is attached to the developer (column 2, lines 53-68).

With respect to claims 6, 7, 12, and 13, Noguchi discloses limiting user access to the switch (the switch can only be selected from the operating panel or the computer) (column 3, lines 33-40 and column 7, lines 28-32).

Response to Arguments

5. Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark E. Wallerson whose telephone number is (571) 272-7470. The examiner can normally be reached on Monday-Friday - 6:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams can be reached on (571) 272-7471. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mark E. Wallerson
Primary Examiner
Art Unit 2626



MARK WALLERSON
PRIMARY EXAMINER